

# ZMO LAW PLLC

February 23, 2021

*Via ECF*

Hon. J. Paul Oetken  
Southern District of New York  
Thurgood Marshall  
United States Courthouse  
40 Foley Square  
New York, NY 10007

RE: *U.S. v. Josue Sanchez*, 18 Cr. 669

Dear Judge Oetken:

This office represents Josue Sanchez in the above-captioned matter. We write to request that the Court order the Bureau of Prisons (“BOP”) to collect Mr. Sanchez’s DNA, which he needs for a custody dispute and ongoing immigration case. The Metropolitan Correction Center (“MCC”), where Mr. Sanchez is housed, has had the collection kit in its possession since December 9, 2020. Despite numerous requests, the MCC has failed to respond to phone calls and emails related to this time-sensitive matter involving the welfare of a child. I have spoken to AUSA Christopher Brumwell, and he advises that the government does not object to this request.

Mr. Sanchez and his family are currently embroiled in a complex custody and immigration case regarding his young son, who lives in the Dominican Republic. For that case to proceed, Mr. Sanchez must provide a DNA sample to the Embassy of the Dominican Republic. *See* Ex. A: DNA Lab Letter. Given Mr. Sanchez’s incarceration, this process has proven difficult and complicated, which has only been exacerbated by the MCC’s continued refusal to respond to communications from our office.

On August 6, 10, and 20, 2020, my office contacted MCC regarding the process for sending the DNA collection kits to the facility. *See* Ex. B: August Emails. It was not until September 22, 2020, after I again sent an email on September 21st inquiring as to why our emails were being ignored, that the Executive Assistant finally responded and provided us with the information necessary to have the collection kit sent to the facility. Ex. C: Sept. 22, 2020 Email. That information was then provided to the family and the DNA lab.

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On December 9, 2020, the MCC received the DNA collection kit along with the collection instructions and a pre-stamped box to return the specimen to the lab. The lab never received anything from the MCC. On January 26, 2021, I contacted the MCC to inquire about the status of the DNA kit but never received a response. Ex. D: Jan. 26, 2021 Email. On February 8, 2020, I again contacted the MCC regarding the DNA test and noted that I would contact the Court if the Legal Department continued to ignore our messages. In the interim, our office has called the MCC several times but has been unable to connect with anyone in the Legal Department.

Therefore, I respectfully request that the Court issue an order to the Medical Unit at the MCC to use the collection kit they agreed to receive to collect the DNA sample from Mr. Sanchez and return it to the DNA lab as instructed in the collection kit.

Thank you for your attention to this case.

Very truly yours,

*Victoria Nicole Medley*

Victoria Nicole Medley

The Bureau of Prisons is hereby ordered to have its medical staff collect a DNA sample from defendant Josue Sanchez using the DNA collection kit provided by counsel for Mr. Sanchez and return it to the lab as instructed.

So ordered: 2/24/2021

  
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J. PAUL OETKEN  
United States District Judge

2/23/21

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